

23 JUN 2006



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In re Application of	:	
KRAEMER, Norbert	:	
Application No.: 10/531,559	:	DECISION ON
PCT No.: PCT/DE01/01903	:	
Int. Filing Date: 20 May 2001	:	PETITIONS
Priority Date: 22 May 2000	:	
Attorney Docket No.: MSA260PR	:	UNDER 37 CFR 1.42 and 1.137(b)
For: METHOD AND DEVICE ... PILLS OR	:	
TABLETTES	:	

This decision is in response to applicant's "Response to Decision On Petitions Under 37 CFR 1.42 and 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office on 05 December 2005.

BACKGROUND

On 03 October 2005, the Office mailed Decision On Petitions Under 37 CFR 1.42 and 37 CFR 1.137(b), dismissing applicant's petitions without prejudice.

On 05 December 2005, applicant submitted this instant renewed petition and request.

DISCUSSION

Petition Under 37 CFR 1.137(b)

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Items (2), (3) and (4) have been satisfied. The basic national fee and petition fee have been paid. A terminal disclaimer is not required as the application was filed on or after 08 June 1995.

Item (1) has now been satisfied. Applicants have made the required statement.

Request Under 37 CFR 1.42

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor. The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The declaration is signed by a legal representative. The declaration lists the inventor and his citizenship and the legal representative and the legal representative's citizenship, residence and postal address. As such, the declaration does not satisfies 37 CFR 1.497(a)-(b) and 37 CFR 1.42. Additionally, applicant has supplied a statement that the translation of the foreign text in the declaration is accurate, in compliance with 37 CFR 1.69.

CONCLUSION

For the above reasons, the petition under 37 CFR 1.137(b) is GRANTED and the request for status under 37 CFR 1.42 is GRANTED.

This application is being forwarded to the National Phase Processing Branch for further processing consistent with this decision. The application has a 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) date of 05 December 2005.

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